

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DARYLE M. DUNCAN,

Petitioner,

vs.

DIANE SABATKA-RINE,

Respondent.

**8:22CV122**

**MEMORANDUM AND ORDER**

On March 20, 2023, Petitioner filed a Motion for Evidentiary Hearing, [Filing No. 20](#), and attached affidavits and exhibits that Petitioner clearly seeks to have the Court consider in ruling on Respondent's pending Motion for Summary Judgment, [Filing No. 8](#). Rule 7(c) of the Rules Governing Section 2254 Cases in the United States District Courts provides that "[t]he judge must give the party against whom the additional materials are offered an opportunity to admit or deny their correctness." Accordingly,

IT IS ORDERED that:

1. Respondent shall have until April 21, 2023, to file and serve a brief in response to Petitioner's Motion for Evidentiary Hearing, [Filing No. 20](#), in accordance with Rule 7(c) of the Rules Governing Section 2254 Cases.

2. The Clerk of Court is directed to set a pro se case management deadline using the following text: **April 21, 2023**: deadline for Respondent's brief.

Dated this 22nd day of March, 2023.

BY THE COURT:



Joseph F. Bataillon  
Senior United States District Judge